

**2013 DRAFTING REQUEST**

**Assembly Amendment (AA-AB40)**

Received: **5/10/2013** Received By: **mkunkel**  
Wanted: **As time permits** Same as LRB:  
For: **Legislative Fiscal Bureau** By/Representing: **Olin (RR)**  
May Contact: Drafter: **mkunkel**  
Subject: **Public Util. - misc.** Addl. Drafters:  
Extra Copies: **EVM**

Submit via email: **YES**  
Requester's email: **Legislative Fiscal Bureau**  
Carbon copy (CC) to:

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**Pre Topic:**

LFB:.....Olin (RR) -

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**Topic:**

PSC modifications due to 2011 Act 10

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 5/10/2013			_____			
/P1		jdyer 5/13/2013	phenry 5/13/2013	_____	sbasford 5/13/2013		

FE Sent For:

<END>

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/?	mkunkel 5/10/2013	<i>PI 5/13 jld</i>	<i>9/13 phc</i>	_____	_____	_____	_____
/P1		jdye		_____	_____	_____	_____

FE Sent For:

<END>

15-1 in

Senator Darling  
Representative Klenke

PUBLIC SERVICE COMMISSION

Modifications Due to Act 10

Motion:

Move to repeal the current law provision that prohibits the Commission from assigning functions related to scheduling or conducting public hearings to supervision by an unclassified employee. In addition, direct the Department of Administration to convert one FTE classified position to one FTE unclassified position to reflect provisions in 2011 Wisconsin Act 10.

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Note:

2011 Wisconsin Act 10 increased the number of statutorily authorized division administrators that may be appointed from the unclassified service by 35 and redefined administrators to include other managerial positions determined by the appointing authority. This included three positions at the PSC, one of which is the General Counsel. The General Counsel supervises the Office of the General Counsel and the Office of the Administrative Law Judge. The provision that would be repealed existed prior to Act 10 and prohibits the Commission from assigning the functions related to scheduling or conducting public hearings of the PSC to supervision by an unclassified employee. The supervision of the Administrative Law Judge by the General Counsel appears to violate this provision. In addition, the Commission's position authority in the state budget system was not changed to accurately reflect the number of unclassified positions authorized under current law, and this provision would direct DOA to change the position authority in the state budget system to accurately reflect current law.

## 7 Updated 11-12 Wis. Stats. Database

attorney general, the adjutant general, the director of the technical college system and the state superintendent of public instruction.

(g) One stenographer appointed by each elective executive officer, except the secretary of state and the state treasurer; and one deputy or assistant appointed by each elective executive officer, except the attorney general and superintendent of public instruction.

(h) The clerks and other assistants and employees and justices of the supreme court.

(i) The judges, clerks and other assistants and employees of the court of appeals.

(jm) The employees of the lower Wisconsin state riverway board.

(k) Persons employed by the University of Wisconsin System whose employment is a necessary part of their training, student assistants or student hourly help as provided under s. 36.05 (6).

NOTE: Par. (k) is repealed eff. 7-1-13 by 2011 Wis. Act 32.

(L) One deputy of the head of any of the following agencies:  
2. Educational communications board, created under s. 15.57.

3m. Department of employee trust funds.

4. Higher educational aids board, created under s. 15.67.

5. Office of commissioner of insurance, created under s. 15.73.

5m. Public defender board.

(m) One executive assistant of the commission chairperson of each of the following agencies:

2. Employment relations commission, created under s. 15.58.

(mL) One executive assistant of each commissioner of the public service commission, created under s. 15.79 (1).

(n) Court reporters employed by the circuit court.

(o) The executive director and other employees of the judicial commission.

(on) The legal counsel to the government accountability board.

(p) All employees of the investment board.

(pd) The chairperson of the parole commission.

(pm) All employees of the state fair park board.

(q) The state public defender and staff attorney positions in the office of the state public defender.

(r) All employees appointed by the lieutenant governor.

(rm) Staff of the environmental education board.

(s) The director, sales manager and 3 sales representatives of prison industries in the department of corrections.

(sg) Deputy district attorney and assistant district attorney positions in the office of district attorney.

(tv) The director of the office of urban development in the department of children and families, appointed under s. 48.48 (16m).

(v) Not more than 5 bureau directors in the department of safety and professional services.

(w) The program director for crime victims compensation and victim and witness services in the department of justice.

(we) Professional staff members of the educational communications board authorized under s. 39.13 (2).

(wh) The judicial council attorney appointed under s. 758.13 (3) (g) 2.

(x) The executive director of the waste facility siting board, unless the board chooses to appoint the executive director under the classified service.

(xe) The director of Indian gaming in the department of administration, and the attorney in the department of administration, appointed under s. 569.015 (2).

(xg) The executive secretary of the board of commissioners of public lands.

(xm) The commandants of Wisconsin veterans homes in the department of veterans affairs.

## STATE EMPLOYMENT RELATIONS

230.08 ✓

(y) The director and staff assistant of the federal-state relations office of the department of administration.

(ya) The director, deputy director, and executive assistant to the director of the office of state employment relations.

(yb) The director and the deputy director of the office of business development in the department of administration.

(yn) The executive director and staff of the Kickapoo reserve management board.

(z) All other officers and employees of the state whose positions are expressly excluded from the classified service by statute or whose positions cannot be placed under the classified service because of the restrictions placed on them by statute.

(3) CLASSIFIED SERVICE. (a) The classified service comprises all positions not included in the unclassified service.

(b) Employees holding permanent or sessional classified service positions in the legislative branch shall have the same legal status as employees holding permanent classified service positions in the administrative branch.

(e) School-year positions in the classified service shall be designated as permanent positions.

(4) DIVISION ADMINISTRATORS. (a) The number of administrator positions specified in sub. (2) (e) includes all administrator positions specifically authorized by law to be employed outside the classified service in each department, board or commission and the historical society, and any other managerial position determined by an appointing authority. In this paragraph, "department" has the meaning given under s. 15.01 (5), "board" means the educational communications board, government accountability board, investment board, public defender board and technical college system board and "commission" means the employment relations commission and the public service commission. Notwithstanding sub. (2) (z), no division administrator position exceeding the number authorized in sub. (2) (e) may be created in the unclassified service.

NOTE: Par. (a) is shown as affected by 2011 Wis. Acts 10 and 32 and as merged by the legislative reference bureau under s. 13.92 (2) (f).

✓ (b) Notwithstanding sub. (2) (e), no appointing authority may assign the functions enumerated in this paragraph to be supervised in whole or in part by a division administrator in the unclassified service:

1. Functions of the department of revenue relating to income, franchise, sales or excise tax administration.

2. Functions of the department of justice relating to criminal investigations, except for controlled substance criminal investigations.

3. Any function of the department of employee trust funds.

4. Functions of the public service commission relating to scheduling and conducting public hearings. \*

(c) Any proposal of a board, department or commission, as defined in par. (a) and s. 15.01 (5), or of the historical society, for a change in the number of positions enumerated in sub. (2) (e), before being submitted to the legislature, shall first be submitted by the board, department or commission or by the historical society for a separate review by the secretary of administration and by the director. The secretary of administration's review shall include information on the appropriateness of the proposed change with regard to a board's, department's, commission's or society's current or proposed internal organizational structure under s. 15.02 (4). The director's review shall include information on whether the existing classified or existing or proposed unclassified division administrator position involved is or would be assigned to pay range 1-18 or above in schedule 1, or a comparable level, of the compensation plan under s. 230.12. The results of these reviews shall be provided by the secretary of administration and by the director to the joint committee on finance and the joint committee on employment relations at the same time that the board's, department's, commission's or society's proposal is presented to either committee.

## Kunkel, Mark

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**From:** Olin, Rick  
**Sent:** Friday, May 10, 2013 11:37 AM  
**To:** Kunkel, Mark  
**Subject:** RE: PSC modifications due to Act 10

Yes, I think so. Everyone up here is convinced that we do this, not you, but no one seems to know quite what I'm supposed to do. At any rate, you should ignore it. Thanks

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**From:** Kunkel, Mark  
**Sent:** Friday, May 10, 2013 11:25 AM  
**To:** Olin, Rick  
**Subject:** PSC modifications due to Act 10

Rick:

Regarding the 2<sup>nd</sup> sentence of the motion (directing DOA to convert one FTE classified to one FTE unclassified), is that something that you can do without any language from us, or do you need me to draft some language?

Thanks,

--Mark



State of Wisconsin  
2013 - 2014 LEGISLATURE

LPS- request sheet fixed



LRBb0085/P1  
MDK: ^:...

jld

Olin (RR)  
LFB:..... - PSC modifications due to 2011 Act 10

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY BILL 40**

- 1 At the locations indicated, amend the bill as follows:
- 2 1. Page 897, line 9: after that line insert: ✓
- 3 "SECTION 2009m. ✓ 230.08 (4) (b) 4. ✓ of the statutes is repealed." X
- 4 (END)



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